

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL MORSE, a/k/a Michael  
Morrison,

Defendant.

CASE NO. CR13-5185BHS

ORDER

This matter comes before the Court on Defendant's unopposed motion for a mental health evaluation, and to continue the trial date. The Court, having considered the unopposed motion, the Government's response to the motion, the affidavit of defense counsel in support of the motion and the Defendant's speedy trial waiver, makes the following findings of fact and conclusions of law:

1. The defense needs additional time for Mr. Morse to be examined by a psychiatrist or a psychologist to determine whether he is competent to stand trial.
2. Defense counsel is scheduled to commence a murder trial in state court on January 27, 2014, and another murder trial on February 18, 2014, and therefore cannot reasonably be prepared for trial in this case before March, 2014.
3. The defense needs additional time to explore all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

1 4. Taking into account the exercise of due diligence, a continuance is necessary to allow  
2 the defendant the reasonable time for effective preparation his defense, to explore resolution of  
3 this case before trial and to substantially ensure continuity of defense counsel. 18 U.S.C. §  
4 3161(h)(7)(B)(iv).

5 5. Proceeding to trial absent adequate time for the defense to prepare would result in a  
6 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

7 6. The ends of justice served by granting this continuance outweigh the best interests of  
8 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

9 7. Defendant waived speedy trial through April 30, 2014.

10 NOW, THEREFORE, IT IS HEREBY ORDERED

11 That the Defendant's motion for mental health evaluation is GRANTED, and

12 That the trial date is continued from November 5, 2013, to March 11, 2014, at 9:00 a.m.  
13 Pretrial Conference is set for March 3, 2014, at 11:00 a.m. Pretrial motions are due by February  
14 5, 2014. The resulting period of delay from October 22, 2013, to March 11, 2014, is hereby  
15 excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)

16 Dated this 31<sup>st</sup> day of October, 2013.

17  
18 

19 BENJAMIN H. SETTLE  
20 United States District Judge  
21  
22